



Natural Resources and Environment

During the 2018 legislative session, the General Assembly considered a variety of measures related to natural resources that encompassed the operation of Colorado Parks and Wildlife (CPW), natural occurring radioactive materials, water quality, and conservation easements.

State Parks Access and Funding

The majority of funding for wildlife programs in CPW comes from the sale of hunting and fishing licenses, habitat stamps, and park passes. The remaining funding comes from an excise tax on the sale of firearms and ammunition products; Great Outdoors Colorado grants; federal and state grants; sales, donations, and interest; and severance taxes. A fishing and small game combination license is currently \$40, and fees for big game licenses range from \$30 to \$250.

Senate Bill 18-143 increases the fees for certain hunting and fishing licenses, stamps, and surcharges set in rule by the CPW Commission. Under the bill, a fishing and small game combination increases to \$48, and a big game hunting license fee has an increased range from \$38 to \$300. In addition to other provisions, the bill creates a new annual resident youth fishing license; allows for the creation of a resident low-income hunting license; removes the requirement that annual and lifetime park passes be affixed to a vehicle; and requires the CPW to require individuals entering state parks by means other than motor vehicles to purchase an entrance pass. CPW must prepare annual reports on the

impact of the fee increases to a joint session of the agriculture committees on or before March 1, 2022.

Natural Occurring Radioactive Materials

Under current law, the State Board of Health in the Department of Public Health and Environment (CDPHE) may not adopt rules concerning the disposal of naturally occurring radioactive materials (NORM) until the Environmental Protection Agency has adopted rules concerning the disposal of NORM. *Senate Bill 18-245* requires the State Board of Health to adopt rules concerning the disposal of NORM by December 31, 2020. Before the rules are adopted, the CDPHE is required to convene a stakeholder meeting to discuss the development of rules and prepare and provide to the General Assembly a report and a detailed summary of the stakeholder process. CDPHE is also directed to review and consider the management of technologically enhanced NORM (TENORM). Until the rules become effective, the handling, transportation, beneficial use, and disposal of TENORM is governed by guidance, including specified letters, issued by CDPHE.

Water Quality

Under current law, mining operators must adopt and execute a reclamation plan for the land affected by mining operations. On the yearly anniversary date of the reclamation permit, operators must submit a report and map to the

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Division of Reclamation, Mining, and Safety in the Department of Natural Resources. Additionally, mining operators are allowed to submit an audited financial statement as proof that the operator has sufficient funds to perform reclamation rather than a bond or other financial assurance.

House Bill 18-1301, which was postponed indefinitely, would have required mining operators to submit annual reports that describe the affected land and surrounding area, including changes or disturbances to the hydrological balance of the area and the quality and quantity of water in the surface and groundwater systems of the impacted area. The bill would have also required that a reclamation plan for a new or amended permit demonstrate substantial evidence and an end date for necessary water quality treatments to ensure compliance with applicable water quality standards. Under the bill, mining operators would no longer be able to submit financial statements as proof of sufficient funds. All operators would have had to submit a bond or other financial assurance in an amount to protect water resources, including costs for necessary water quality protection, treatment, and monitoring costs.

Conservation Easement Oversight

During the 2018 legislative session, the General Assembly considered five pieces of legislation concerning conservation easements, one of which was adopted. A conservation easement is a voluntary legal agreement that permanently preserves land for certain public benefits, such as scenic or agricultural open space, natural habitat, recreational areas, or historical sites. These agreements can be individually tailored to preserve specific qualities of a property for specific purposes, allowing landowners to retain ownership while land use is restricted for conservation. Colorado landowners who enter into a conservation easement may claim a tax credit if the landowner donates the easement to a certified easement holder and obtains a

conservation tax credit certificate from the Division of Real Estate (DRE). To obtain a certificate, a landowner must submit a conservation easement appraisal and demonstrate that the easement serves a conservation purpose. Under current law, the DRE is responsible for reviewing the appraisal of each easement to ensure that it is credible, and The Conservation Easement Oversight Commission (commission) is charged with reviewing the easement's conservation purpose.

House Bill 18-1291, which contained recommendations from the Department of Regulatory Agency (DORA) sunset report, relocates both the commission and the easement certification program from the DRE to a newly created Division of Conservation. The oversight commission and certification program will continue their respective duties and are repealed July 1, 2019, barring reauthorization from the General Assembly. In reorganizing the conservation easement oversight programs, the bill also modifies the composition of the commission and implements several DORA recommendations. The bill requires that the Division of Conservation convene a working group with representatives of DORA, the Department of Revenue, and the Department of Law to develop an alternative method to the current land appraisal process and methods to petition a court to extinguish a conservation easement and to provide retroactive tax credits to taxpayers who claimed, but were denied, credits between 2000 and 2008. *House Bill 18-1290*, which was postponed indefinitely, contained recommendations from the DORA sunset review of the certification program.

House Bill 18-1122, *House Bill 18-1194*, and *House Bill 18-1123* were all postponed indefinitely and would have addressed public accounting of conservation easements, interests of landowners who enter into conservation easements, and tax credits for the donations of conservation easements.